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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,673	06/26/2003	John Michael Rozmus	ROZM001	5199

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EXAMINER
JOHNSON, CARLTON

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/607,673	ROZMUS ET AL.
	Examiner	**Art Unit**	
	Carlton Johnson	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-63</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-38</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>39-63</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 June 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>3-1-2006/8-18-2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responding to application papers filed **6-26-2003**.

2.   Claims **39 - 63** are pending.   Claims **1 - 38** have been canceled.   Claims **39, 48, 56** are independent.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims **39, 48, 56** are rejected under 35 U.S.C. 112, second paragraph, 37 CFR 1.75(a), as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicant regards as the invention.

       Claims **39, 48, 56** refer to the term *"minimal"*, which is an indefinite term with no clear and precise meaning.   The Examiner is interpreting *"minimal"* as if the term were not present.   Appropriate action is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United

States only if the international application designated the United States and was published under
Article 21(2) of such treaty in the English language.

6.   Claims **39 - 41, 43, 44, 48 - 50, 52, 53, 56, 60, 62, 63** are rejected under 35

U.S.C. 103(a) as being anticipated by **Barry et al.** (US Patent No. **6,615,258**) in view

of **Hughes** (US Patent No. **6,957,330**).

Regarding Claim 39, Barry discloses a method for applying personal information in

the use of public data services comprising:

a) verifying a user's identity, (see Barry col. 4, lines 34-40: authenticate or verify a

   user's identity; col. 14, lines 2-4: single sign-on for access to services)

Barry discloses wherein user input and locations on a public network where said

user input is used, connection information with user's identity (see Barry col. 8,

lines 52-58: information or records attached to user's entitlement based on user's

identity), storage and retrieval of information accessible on a public network (see

Barry col. 4, lines 29-33: public accessible network, Internet; col. 18, lines 30-36:

distributed database for storage of services management), and whereby personal

information needed to use public data services may be recalled with minimal

maintenance burden. (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54,

lines 45-49: user information stored within cache for rapid and easy access with

minimal maintenance burden) Barry does not explicitly disclose creating one or

more new records.

However, Hughes discloses:

b) creating one or more records, (see Hughes col. 4, lines 31-33: produce or create data set(s) or record(s) for usage)

c) connecting said records with said user's identity, (see Hughes col. 3, lines 29-31: data set(s) or record(s), attachment to user's identity previously defined)

d) storing said records so that they are accessible on a network, (see Hughes col. 4, lines 12-17; col. 4, lines 37-40: storage of data set(s) or record(s)) and

e) retrieving at least one of said records, whereby personal information needed to use public data services may be recalled with minimal maintenance burden. (see Hughes col. 6, line 65 - col.7, line 3: access information or retrieving of data set(s) or record(s))

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Hughes to enable the generation or records, and storage of data sets or records for secure storage and retrieval. One of ordinary skill in the art would have been motivated to employ the teachings of Matyas in order to enable the capability to securely store information, flexibility in controlling access to information, and access group membership modifiable without a requirement for access to storage device. (see Hughes col. 1, lines 20-23: " ... *ability to store secure information on one or more untrusted storage devices that allows flexibility in controlling access to the information. Access should be permitted based on combinations of client groups. Membership in these groups should be modifiable*

without requiring access to the storage device containing the encrypted information

... ")

Regarding Claims 40, 49, Barry discloses including entry of some or all of the user

input that has been retrieved and decrypted. (see Barry col. 4, lines 48-54: user

interface for entry of user input; col. 8, lines 44-48; col. 8, lines 50-52: encryption and

decryption capabilities for messaging information during network communications)

Regarding Claims 41, 50, Barry discloses creating records comprising user input and

locations on a public data network where said user input is used includes creating

records comprising Web service sign-on procedures and Uniform Resource Locators.

(see Barry col. 4, lines 33-35: logon or sign-on procedures for web services; col. 13,

lines 61-65: URL addressing utilized for location of services or application server)

Regarding Claims 43, 52, Barry discloses creating records comprising user input and

locations on a public data network where said user input is used includes creating

records comprising recorded user input sequences and Uniform Resource Locators.

(see Barry col. 4, lines 48-54: user interface for user input or request; col. 13, lines 61-

65: URL addressing utilized for location of services or application server)

Regarding Claims 44, 53, Barry discloses creating records comprising user input and

locations on a public data network where said user input is used includes creating

records comprising directly entered user input sequences and Uniform Resource

Locators. (see Barry col. 4, lines 48-54: user interface for user input or request; col.

13, lines 61-65: URL addressing utilized for location of services or application server)

Regarding Claim 48, Barry discloses a method for applying personal information in

the use of public data services comprising:

a) verifying a user's identity, (see Barry col. 4, lines 34-40: authenticate or verify a

user's identity)

Barry discloses wherein comprising user input and locations on a public data

network where said user input is used (see Barry col. 4, lines 29-33: public network,

Internet; col. 8, lines 50-58: message or input and information or records stored

within cache storage), connecting the encrypted records with said user's identity,

(see Barry col. 8, lines 52-58: information or records attached to user's entitlement

or identity), storing said encrypted records so that they are accessible on a public

data network, retrieving at least one of said encrypted records, (see Barry col. 8,

lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: user information stored in a

cache for rapid and easy access), and decrypting (see Barry col. 8, lines 50-52;

decryption utilized) some or all of the encrypted records that have been retrieved,

whereby personal information needed to use public data services may be recalled

with minimal maintenance burden and a high degree of privacy. (see Barry col. 8,

lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: user information stored in a

cache for minimal maintenance burden, encryption for privacy) (see Barry col. 18,

lines 30-36: distributed database) Barry does not explicitly disclose creating one or

more new records.

However, Hughes discloses:

b) creating records, (see Hughes col. 4, lines 31-33: produce or create data set(s)

or record(s) for usage)

c) encrypting said records, (see Hughes col. 4, lines 31-33; col. 6, lines 53-55:

encrypting data set(s) or record(s))

d) connecting the encrypted records with said user's identity, (see Hughes col. 3,

lines 29-31: data set(s) or record(s), attachment to user's identity previously

defined)

e) storing said encrypted records so that they are accessible on a public data

network, (see Hughes col. 4, lines 12-17; col. 37-40: storing data set(s) or

record(s))

f) retrieving at least one of said encrypted records, (see Hughes col. 6, line 65 -

col.7, line 3: access information or retrieving of data set(s) or record(s)) and

g) decrypting some or all of the encrypted records that have been retrieved. (see

Hughes col. 6, line 65 - col. 7, line 3; col. 3, lines 10-14: decrypting data set(s)

record(s))

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Hughes to enable the generation and storage of data sets or

records for secure storage and retrieval. One of ordinary skill in the art would have

been motivated to employ the teachings of Matyas in order to enable the capability

to securely store information, flexibility in controlling access to information, and

access group membership modifiable without a requirement for access to storage

device.   (see Hughes col. 1, lines 20-23)

Regarding Claim 56, Barry discloses a computing system for applying personal

information in the use of public data services comprising:

    a) a client processor comprising software (see Barry col. 6, lines 44-45: client; col.

        6, lines 55-65: software implementation) which creates records comprising user

        input and locations on a public data network where said user input is used (see

        Barry col. 4, lines 29-33: public network, Internet; col. 8, lines 50-58: message

        or input and information or records stored within cache storage), and software

        (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation)

        which connects said records with a user's identity, (see Barry col. 8, lines 52-

        58: information or records attached to user's entitlement or identity)

    b) a server processor comprising software which verifies said user's identity,

        software (see Barry col. 6, lines 44-45: server; col. 6, lines 55-65: software

        implementation) which stores said records, and software which retrieves one or

        more of said records when requested, (see Barry col. 54, lines 45-49: retrieve

        user entitlement information to determine user access based on request)

    c) a public network (see Barry col. 4, lines 43-40: public network, Internet)

        providing communication between said server processor and said client

processor, whereby personal information needed to use public data services may be recalled with minimal maintenance burden. (see Barry col. 8, lines 54-58; col. 54, lines 31-35; col. 54, lines 45-49: cache for recall of service information with minimal maintenance burden)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Hughes to enable the generation and storage of data sets or records for secure storage and retrieval. One of ordinary skill in the art would have been motivated to employ the teachings of Matyas in order to enable the capability to securely store information, flexibility in controlling access to information, and access group membership modifiable without a requirement for access to storage device. (see Hughes col. 1, lines 20-23)

Regarding Claim 60, Barry discloses wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user input and locations on a public data network where said user input is used includes software which associates one or more pairs of Web service sign-on procedures and Uniform Resource Locators. (see Barry col. 4, lines 33-38: web service logon or sign-on procedures; col. 13, lines 61-65: URL addressing utilized for services or application server)

Regarding Claim 62, Barry discloses wherein software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation) which creates records comprising user

input and locations on a public data network where said user input is used includes

software which associates one or more pairs of recorded user input sequences and

Uniform Resource Locators. (see Barry col. 54, lines 31-35: map user input within

cache with application server or service; col. 13, lines 61-65: URL addressing utilized

for services or application server)

Regarding Claim 63, Barry discloses wherein software (see Barry col. 6, lines 44-45;

col. 6, lines 55-65: software implementation) which creates records comprising user

input and locations on a public data network where said user input is used includes

software which associates one or more pairs of directly entered user input sequences

and Uniform Resource Locators. (see Barry col. 4, lines 48-54: user interface for

directly entered input, request/response; col. 13, lines 61-65: URL addressing utilized

for services or application server)

7.   Claims **42, 51, 61** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Barry-Hughes** and further in view of **Nambiar et al.** (US PGPUB No.

20020128977).

Regarding Claims 42, 51, Barry discloses the method of claims 39 and 48 wherein

creating records comprising user input and locations on a public data network where

said user input is used includes creating records comprising Web service entry data

and Uniform Resource Locators. (see Barry col. 4, lines 29-33: public network,

Internet; col. 8, lines 50-58: message input of information or records stored; col. 13,

lines 61-65: URL addressing utilized for location of services or application server)

Barry does not specifically disclose the processing of purchase order type information

or entry records.   However, Nambiar discloses wherein creating records comprising

Web service purchase order entry data.   (see Nambiar paragraph [0028], lines 1-8:

web service provided by server; paragraph [0020], lines 3-10; paragraph [0020], lines

14-18; paragraph [0024], lines 6-13: purchase order, obtain and process information

required to complete purchase)

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Nambiar to enable the capability to process purchase order records

for computerized transactions.   One of ordinary skill in the art would have been

motivated to employ the teachings of Nambiar in order to enable the completion of a

more safe, secure, and expedient computerized transaction.   (see Nambiar paragraph

[0002], lines 1-7: " ... *a method and system for conducting a more secure and efficient*

computer-facilitated transaction. Specifically, this invention implements an improved

user authentication process, to facilitate a more safe, secure and expedient

computerized transaction. ... ")

Regarding Claim 61, Barry discloses the computing system of claim 56 wherein

software (see Barry col. 6, lines 44-45; col. 6, lines 55-65: software implementation)

which creates records comprising user input and locations on a public data network

where said user input is used includes software which associates one or more pairs of

Web service entry data and Uniform Resource Locators. (see Barry col. 14, lines 4-8:

associate application or service with public interface, URL address; col. 13, lines 61-

65: URL addressing utilized for location of services or application server)   Barry does

not specifically disclose the processing of purchase order type information or entry

records. However, Nambiar discloses wherein Web service purchase order entry data.

(see Nambiar paragraph [0028], lines 1-8: web service provided by server; paragraph

[0020], lines 3-10; paragraph [0020], lines 14-18; paragraph [0024], lines 6-13:

purchase order, obtain and process information required to complete purchase)

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Nambiar to enable the capability to process purchase order records

for computerized transactions. One of ordinary skill in the art would have been

motivated to employ the teachings of Nambiar in order to enable the completion of a

more safe, secure, and expedient computerized transaction within a network

environment. (see Nambiar paragraph [0002], lines 1-7)

8.   Claims **45, 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Barry-Hughes and further in view of **Matyas et al.** (US PGPUB No. **6,947,556**).

Regarding Claims 45, 57, Barry and Matyas combination discloses verifying a user's

identity comprises entry of a passphrase. (see Matyas col. 13, lines 28-32:

authentication server; col. 12, lines 36-41: passphrase authentication procedure

utilized)

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Matyas to enable the utilizing of a passphrase for authentication.

One of ordinary skill in the art would have been motivated to employ the teachings of

Matyas in order to enable mechanisms for providing secure file and secure file access.

(see Matyas col. 1, lines 20-23: " ... *awareness among the public as to the privacy of*

digitally stored data, much attention has been focused on mechanisms for providing

secure files and/or file access. ... "; col. 1, lines 53-55: " ... *methods, systems and*

computer program products which provide for controlling access to digital data in a file

by encrypting the data ... ")

9.   Claims **46, 47, 54, 55, 58, 59** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Barry-Hughes** and further in view of **Sands et al.** (US PGPUB No.

20040148526).

Regarding Claims 46, 54, Barry discloses the method of claims 39, 48 wherein

verifying a user's identity comprises checking data. (see Barry col. 4, lines 34-40:

verify user identity based on entered logon entry)   Barry does not specifically disclose

the capability to check data on a portable device for user authentication.   However,

Sands discloses wherein verifying a user's identity comprises checking data on a

portable memory device possessed by said user. (see Sands paragraph [0013], lines

1-8: biometric data; paragraph [0049], lines 8-12: portable device or smart card utilized

to authenticate with biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric data obtained from a portable device utilized for user identification.   One of ordinary skill in the art would have been motivated to employ the teachings of Sands in order to enable the implementation of a flexible authentication policy allowing the authentication procedures to be altered based on security conditions.   (see Sands paragraph [0019], lines 4-8: " ... *authentication policy is flexible and allows the biometric authentication procedure implemented at any given computer or location within the network to be altered based on security conditions. ...* ")

Regarding Claims 47, 55, Barry discloses the method of claims 39, 48 wherein verifying a user's identity. (see Barry col. 4, lines 34-40: verify user identity based on entered logon entry)   Barry does not specifically disclose the comparison of one or more physical characteristics of biometric data on a portable device. However, Sands discloses wherein verifying a user's identity comprises comparing one or more of the physical characteristics of said user to biometric data stored on a portable memory device possessed by said user. (see Sands paragraph [0007], lines 1-7; paragraph [0008], lines 1-7; paragraph [0013], lines 1-8: biometric data; paragraph [0024], lines 1-7: physical characteristics utilized for biometric data)

It would have been obvious to one of ordinary skill in the art to have modified Barry as taught by Sands to enable the usage of biometric data obtained from a user's physical characteristics utilized for authentication.   One of ordinary skill in the art

would have been motivated to employ the teachings of Sands in order to enable the

implementation of a flexible authentication policy allowing the authentication

procedures to be altered based on security conditions.   (see Sands paragraph [0019],

lines 4-8)

Regarding Claim 58, Barry discloses the computing system of claim 56 wherein

software which verifies said user's identity. (see Barry col. 6, lines 44-45; col. 6, lines

55-65: software implementation; col. 4, lines 34-40: verify user identity based on

entered logon entry)   Barry does not specifically disclose the capability to check data

on a portable device for user authentication.   However, Sands discloses wherein

verification of said user's identity checks data on a portable memory device possessed

by said user. (see Sands paragraph [0013], lines 1-8: biometric data; paragraph

[0049], lines 8-12: portable device or smart card utilized to authenticate with biometric

data)

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Sands to enable the usage of biometric data obtained from a

portable device utilized for user identification.   One of ordinary skill in the art would

have been motivated to employ the teachings of Sands in order to enable the

implementation of a flexible authentication policy allowing the authentication

procedures to be altered based on security conditions.   (see Sands paragraph [0019],

lines 4-8)

Regarding Claim 59, Barry discloses the computing system of claim 56 wherein

software which verifies said user's identity. (see Barry col. 6, lines 44-45; col. 6, lines

55-65: software implementation; col. 4, lines 34-40: verify user identity based on

entered logon entry)   Barry does not specifically disclose the comparison of physical

characteristics of biometric data on a portable device. However, Sands discloses

wherein verification of said user's identity includes software which compares one or

more of the physical characteristics of said user to biometric data stored on a portable

memory device possessed by said user. (see Sands paragraph [0013], lines 1-8:

biometric data; paragraph [0049], lines 8-12: portable device or smart card utilized to

authenticate with biometric data)

It would have been obvious to one of ordinary skill in the art to have modified

Barry as taught by Sands to enable the usage of biometric characteristics for user

authentication.   One of ordinary skill in the art would have been motivated to employ

the teachings of Sands in order to enable the implementation of a flexible

authentication policy allowing the authentication procedures to be altered based on

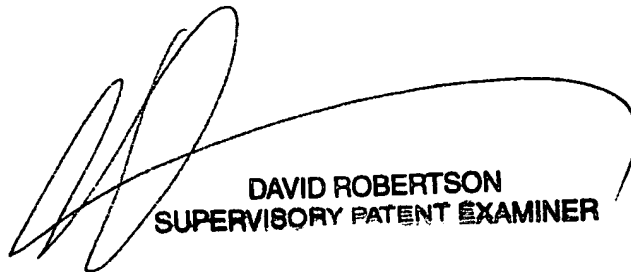security conditions.   (see Sands paragraph [0019], lines 4-8)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carlton Johnson whose telephone number is 571-270-

1032. The examiner can normally be reached Monday through Friday from 8:00AM to

5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Robertson, can be reached on 571-272-4186. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Carlton Johnson
September 4, 2006

DAVID ROBERTSON
SUPERVISORY PATENT EXAMINER